

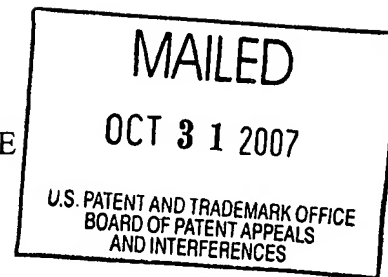
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte; CHIH-WEI HUNG

Application No. 10/064,095

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER



This application was received electronically at the Board of Patent Appeals and Interferences on October 3, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

**APPEAL BRIEF**

**Summary of Claimed Subject Matter**

On August 9, 2006, appellant filed a Supplemental Appeal Brief in response to a Notification of Non-Compliant Appeal Brief mailed July 20, 2006. On February 8, 2007, the Examiner's Answer indicated that the "Summary of Claimed Subject Matter" section of the brief filed August 9, 2006, was deficient. No response has been received from the Appellant concerning this matter. Appropriate action is required.

**Claims Appendix**

A review of the file reveals that claim 4 in the appendix of the Appeal Brief is not consistent as amended in the Amendment filed on August 3, 2005. The Appeal Brief Appendix

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of Claims (claim 4, page 10, line 1) reads: "The CMOS image sensor device of Claim 1, ."

However, the Amendment dated August 3, 2005 (claim 4, page 3, line 1) reads: "The CMOS image sensor device of Claim 16. . ."

Appropriate correction required.

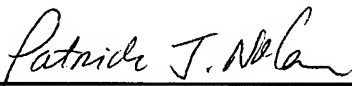
**CONCLUSION**

Accordingly, it is

**ORDERED** that the application is returned to the Examiner:

- 1) hold the Appeal Brief filed August 9, 2006, defective;
- 2) notify the appellant to submit a "paper" which corrects the Summary of Claimed Subject Matter and Claims Appendix sections and Claims Appendix;
- 3) acknowledge and consider any "paper" that may be submitted by Appellant in response to the Notice of Non-Compliance to correct the Appeal Brief as required by 37 CFR 41.37(c); and
- 4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

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PJN/tsj

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